



Department of Energy
Acquisition Regulation

No. 92-5R
Date OCT 1 1992

ACQUISITION LETTER

This Acquisition Letter (AL) is issued by the Procurement Executive pursuant to a delegation from the Secretary and under the authority of the Department of Energy Acquisition Regulation (DEAR) Subpart 901.301-71.

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CONTENTS

<u>CITATION</u>	<u>TITLE</u>
10 CFR Part 707	Workplace Substance Abuse Programs at DOE Sites
DEAR 909.104-1	General Standards
DEAR 923.5	Workplace Substance Abuse Programs at DOE Sites
DEAR 970.2305	Workplace Substance Abuse Programs-Management and Operating Contracts

I. Purpose. The purpose of this AL 92-5R is to revise guidance previously issued under AL 92-5, dated August 25, 1992, regarding the implementation of the Department of Energy's (DOE) Workplace Substance Abuse Programs in management and operating (M&O) contracts and other prime contracts and subcontracts determined to be subject to the requirements of 10 CFR Part 707. This AL 92-5R cancels AL 92-5 in its entirety, and supersedes AL 92-5 for the purpose expressed herein.

II. Background. On July 22, 1992, DOE published a final rule in the Federal Register (57 FR 32652) that established its policies, criteria, and procedures for developing and implementing contractor workplace substance abuse programs. The requirements of that rule, codified at 10 CFR Part 707, apply to M&O contractors and certain other prime contractors and subcontractors performing work at DOE-owned or -controlled sites operated under the authority of the Atomic Energy Act of 1954, as amended. The effective date of the rule was August 21, 1992.

2. Solicitations and new awards. The requirements of 10 CFR Part 707 and DEAR 923.5 shall be included in solicitations issued, and new awards made, on or after August 21, 1992.

D. Subcontracts. Within 30 days after incorporation of the contract clause at DEAR 970.5204-58 into the prime contract, the prime contractor (including an M&O contractor) shall be required to identify any existing subcontract it believes is subject to the requirements of 10 CFR Part 707 [see 10 CFR 707.2(a)(2)], and submit such subcontract to DOE for an applicability determination. If DOE determines that the subcontract is subject to the requirements of 10 CFR Part 707, the prime contractor shall be required to modify the subcontract to include the requirements of 10 CFR Part 707 and DEAR 970.5204-58 within 30 days after notification by DOE that 10 CFR Part 707 applies to that subcontract.

E. Extensions to the implementation schedules set forth in this AL may be granted on a case by case basis by the Director, Office of Contractor Human Resources Management.

IV. Effective date. This AL is effective on the date shown on page 1 of this AL.

V. Expiration date. This AL will remain in effect until rescinded or amended.